

Application No. 10/695,429
Amendment Dated: September 20, 2010
Reply to Office Action of: June 21, 2010

REMARKS/ARGUMENTS

Claims 40 - 42 and 44 are currently pending in this application. Claims 1-18 and 30-32 stand withdrawn. Claims 19-29, 33-39, 43 and 45-47 are cancelled. Claim 40 has been amended. Reconsideration of the rejection of this application in view of the above amendments and the following comments is respectfully requested.

Claims Rejections - 35 U.S.C. §112

Claims 40-42 and 44 were rejected by the Examiner under 35 U.S.C. §112 as being indefinite. The Examiner has objected to the recitation in claim 40 that the blade guard 44 is removable from, and placeable on, the rotary trimmer as a unit without the operator being directly exposed to the cutting blade. The specific portion of the phrase that the Examiner found objectionable, namely, "without the operator being directly exposed to the cutting blade" has been removed from claim 40.

Additionally, the objectionable phrase "a the rotary trimmer" has been changed to "the rotary trimmer" as suggested.

In view of the above amendments to claim 40, claims 40-42 and 44 are now definite and satisfy the requirements of 35 U.S.C. §112.

Claim Rejections - 35 USC § 102

Claims 40-42 and 44 were rejected under 35 U.S.C. 102 (b) as being anticipated by Matthai et al. (5,702,415). Reconsideration of this rejection in view of the newly amended claims 40-42 and 44 is respectfully requested.

Claim 40 is the only independent claim currently pending in this application. This claim sets forth a blade-guard 70 for a rotary trimmer that comprises a cutting blade having a plurality of apertures. A hub is connected to the cutting blade by the plurality of apertures. The blade-guard is secured to the hub and forms a blade-guard assembly with the cutting blade, with the blade

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guard being connected to the cutting blade. The blade guard covers the cutting blade such that it leaves a portion of a cutting blade exposed to cutting. The blade-guard assembly is removable from, and placeable on, the rotary trimmer as a unit.

In regard to claim 40, it is the Examiner's position that the Matthai et al reference teaches a rotary trimmer comprising a cutting blade 9 having a plurality of apertures; a hub (upper end of element 13) connected to the cutting blade 9; and a blade guard securable to the hub.

As stated in MPEP § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed, Cir. 1987).

It is submitted that the Matthai et al reference does not disclose each and every element as set forth in the claim.

In the Matthai et al reference an uncovered blade is inserted between a cap 80 and the top of a cup washer 60. After the blade is properly positioned, a hold down screw is tightened to hold the blade in place. During the entire installation process, the blade 9 is not connected to any type of blade guard. During the removal process, the blade is also uncovered and not connected to any type of blade guard.

The element 80 of the device of the Matthai et al reference, which the Examiner considers to be a blade guard, is a cap that is removably secured to the top wall 81 of the housing 13 of the hand piece before the installation of the blade. The cap 80 is not affixed in any way that would enable it to be removed from, and placed on, the hand piece as a unit with the blade.

The claims specifically require that the blade guard be secured to the blade and that the blade-guard assembly comprising the blade and blade guard be removable from, and placeable on, the rotary trimmer as a unit. This is no

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way that this can be said to be true of the device shown in the Matthai et al reference.

As the Matthai et al reference does not show or disclose each and every element as set forth in claim 40, that reference cannot be said to anticipate the claim. Accordingly, claim 40, and its dependent claims 41, 42 and 44 are patentable over the Matthai et al reference.

In addressing applicant's arguments raised in the last response, the Examiner has asserted that claim 40 does not call for the blade being connected to the blade guard. Claim 40 now specifically recites that the blade is connected to the blade guard.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims now pending in this application, patentably define over the cited art taken alone or in any possible combination. Favorable consideration of the claims now in the case is earnestly solicited.

Respectfully Submitted,

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